

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

UNITED STATES OF  
AMERICA,

Plaintiff,

v.

Case No. 2:20-cv-870-JLB-NPM

JEREMIAH HALL,

Defendant.

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**ORDER**

Before the Court is Plaintiff's Application for Entry of Clerk's Default Against Jeremiah Hall (Doc. 8). Plaintiff United States of America filed the instant suit to reduce to judgment certain unpaid federal income tax liabilities. (Doc. 1). Defendant Jeremiah Hall has not responded to the Complaint, and now Plaintiff requests the Court enter a clerk's default against Defendant. (Doc. 8). No response was filed to the motion and the response time has lapsed. For the reasons discussed below, the Court grants the motion.

"When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend and that failure is shown by affidavit or otherwise, the clerk must enter the party's default." Fed. R. Civ. P. 55(a); *see also* M.D. Fla R. 1.10(b). Before directing the clerk to enter a default, however, the Court

must determine whether Plaintiff properly effected service of process, for which Plaintiff bears the burden of proof. Fed. R. Civ. P. 4(l); *Chambers v. Halsted Fin. Servs., LLC*, No. 2:13-cv-809-FtM-38, 2014 WL 3721209, \*1 (M.D. Fla. July 28, 2014); *Zamperla, Inc. v. S.B.F. S.R.L.*, No. 6:13-cv-1811-Orl-37, 2014 WL 1400641, \*1 (M.D. Fla. Apr. 10, 2014).

To serve an individual within a judicial district of the United States, Rule 4 allows for personal service by “delivering a copy of the summons and of the complaint to the individual personally.” Fed. R. Civ. P. 4(e)(2)(A); *see also* Fla. Stat. § 48.031(1)(a). On January 26, 2021, the process server placed the summons and Complaint “in a clearly visible place at least six feet away from [Defendant]” in accordance with social distancing requirements and “advised [Defendant] to retrieve them after stepping away.” (Doc. 5). The process server also confirmed the identity of Defendant and stated that Defendant “accepted service.” (Doc. 5). Therefore, the Court finds Plaintiff properly effected service of process on Defendant.

The Defendant was properly served and failed to timely respond to the Complaint (Doc. 1). Therefore, the Court finds a clerk’s default must be entered pursuant to Rule 55(a). Accordingly, it is hereby **ORDERED** that the Motion for Clerk’s Default (Doc. 8) is **GRANTED**, and the Clerk is directed to enter a default against Defendant Jeremiah Hall.

Within thirty-five (35) days after entry of a clerk's default, Plaintiff must apply for the default judgment or must file a paper identifying each unresolved issue necessary to entry of the default judgment. M.D. Fla. R. 1.10(c).

**DONE** and **ORDERED** in Fort Myers, Florida on March 15, 2021.

  
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NICHOLAS P. MIZELL  
UNITED STATES MAGISTRATE JUDGE